

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re

Lordstown Motors Corp., *et al.*¹

Debtors.

Chapter 11

Case No. 23-10831 (MFW)

(Jointly Administered)

Re: D.I. 131, 259, 281, 282, 283, 284, 285, 286, 323, 324

**CERTIFICATION OF COUNSEL CONCERNING ORDER
DENYING MOTION OF HON HAI PRECISION INDUSTRY CO., LTD.
(A/K/A HON HAI TECHNOLOGY GROUP), FOXCONN EV TECHNOLOGY, INC.,
AND FOXCONN EV SYSTEM LLC TO DISMISS THE BANKRUPTCY CASES**

The undersigned hereby certifies as follows:

1. On July 20, 2023, Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., and Foxconn EV System LLC (collectively, “Foxconn”) filed the *Motion of Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., and Foxconn EV System LLC to Dismiss, or, in the Alternative, Convert the Bankruptcy Cases* [D.I. 131] (the “**Motion to Dismiss**”) with the United States Bankruptcy Court for the District of Delaware, 824 North Market Street, 3rd Floor, Wilmington, Delaware 19801 (the “**Bankruptcy Court**”). Pursuant to the Motion to Dismiss, Foxconn was seeking entry of an order, pursuant to section 1112(b) of title 11 of the United States Code (the “**Bankruptcy Code**”), dismissing the chapter 11 cases (the “**Chapter 11 Cases**”) of Lordstown Motors Corp., Lordstown EV Corporation, and Lordstown EV Sales LLC (collectively, the “**Debtors**”) for cause, or, in the alternative, converting the Chapter 11 Cases to

¹ The Debtors and the last four digits of their respective taxpayer identification numbers are: Lordstown Motors Corp. (3239); Lordstown EV Corporation (2250); and Lordstown EV Sales LLC (9101). The Debtors’ service address is 27000 Hills Tech Ct., Farmington Hills, MI 48331.

cases under chapter 7 of the Bankruptcy Code.

2. Pursuant to the *Notice of Motion of Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc., and Foxconn EV System LLC to Dismiss, or, in the Alternative, Convert the Bankruptcy Cases*, filed on August 15, 2023 [D.I. 259], objections or responses to the Motion to Dismiss were to be filed and served no later than August 21, 2023 (the “**Objection Deadline**”). A hearing to consider the relief requested in the Motion to Dismiss took place before the Bankruptcy Court on August 28, 2023 starting at 10:30 a.m. (Eastern Daylight Time) (the “**August 28th Hearing**”).

3. By the Objection Deadline, the Debtors filed the *Debtors’ Objection to Foxconn’s Motion to Dismiss, or in the Alternative, Convert the Bankruptcy Cases*, dated August 21, 2023 [D.I. 281] (along with the declarations filed in connection therewith, D.I. 282, 283, 284, 285, the “**Debtors’ Objection**”). On August 22, 2023, the Official Committee of Unsecured Creditors (the “**Creditors’ Committee**”) filed *The Official Committee of Unsecured Creditors’ Statement of Position with Respect to Foxconn’s Motion to Dismiss or Convert the Bankruptcy Cases* [D.I. 286] (the “**Committee Statement**”).

4. On August 25, 2023, Foxconn filed the *Reply in Further Support of Motion of Hon Hai Precision Industry Co., Ltd. (a/k/a Hon Hai Technology Group), Foxconn EV Technology, Inc. and Foxconn EV System LLC to Dismiss, or, in the Alternative, Convert the Bankruptcy Cases* [D.I. 323] (along with the declaration in support filed in connection therewith, D.I. 324, the “**Reply**”).

5. At the August 28th Hearing, the Bankruptcy Court heard and considered the statements and arguments of counsel to (and heard and admitted evidence, as applicable, from), among others, Foxconn, the Debtors, and the Creditors’ Committee with respect to the Motion to

Dismiss, the Debtors' Objection, the Committee Statement, and the Reply. At the conclusion of the August 28th Hearing, the Bankruptcy Court issued a bench ruling denying the Motion to Dismiss for the reasons set forth on the record of the August 28th Hearing. At the direction of the Bankruptcy Court, the Debtors have prepared a proposed form of order (the "**Proposed Order**") denying the Motion to Dismiss. A copy of the Proposed Order is attached hereto as **Exhibit A**.

6. The Proposed Order has been circulated to (i) the Debtors; (ii) the Office of the United States Trustee for the District of Delaware; (iii) counsel to the Creditors' Committee; and (iv) counsel to Foxconn, and each of the parties to whom the Proposed Order was circulated has indicated that it has no objection to the entry of the Proposed Order.

7. The Debtors therefore respectfully request that the Bankruptcy Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A**, at its earliest convenience.

[Remainder of page intentionally left blank.]

Dated: August 29, 2023

Respectfully submitted,

/s/ Jason M. Madron

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